

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 16-20 are pending; no claims are newly added, amended, or canceled herewith.

In the outstanding Office Action, Claims 16-20 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1-4 of U.S. Pat. No. 6,738,771 (hereafter “the ‘771 patent”). This rejection is respectfully traversed.

Applicants have filed herewith a Terminal Disclaimer against the ‘771 patent. Accordingly, it is respectfully requested that this rejection be withdrawn.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The “filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.” Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Consequently, in view of the foregoing discussion, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

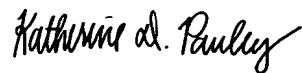
Respectfully submitted,

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